

106TH CONGRESS
1ST SESSION

S. 25

To provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JANUARY 19, 1999

Ms. LANDRIEU (for herself, Mr. MURKOWSKI, Mr. BREAUX, Mr. SESSIONS, Mr. JOHNSON, Mr. LOTT, Mr. CLELAND, Mr. GREGG, Ms. MIKULSKI, and Mr. COCHRAN) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide Coastal Impact Assistance to State and local governments, to amend the Outer Continental Shelf Lands Act Amendments of 1978, the Land and Water Conservation Fund Act of 1965, the Urban Park and Recreation Recovery Act, and the Federal Aid in Wildlife Restoration Act (commonly referred to as the Pittman-Robertson Act) to establish a fund to meet the outdoor conservation and recreation needs of the American people, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Conservation and Rein-
 5 vestment Act of 1999”.

6 **TITLE I—COASTAL IMPACT**
 7 **ASSISTANCE**

8 **SEC. 101. SHORT TITLE.**

9 This title may be cited as the “Coastal Conservation
 10 and Impact Assistance Act of 1998”.

11 **SEC. 102. AMENDMENT TO OUTER CONTINENTAL SHELF**
 12 **LANDS ACT.**

13 The Outer Continental Shelf Lands Act Amendments
 14 of 1978 (92 Stat. 629), as amended, is amended to add
 15 at the end thereof a new title VII as follows:

16 **“SEC. 701. FINDINGS.**

17 “The Congress finds and declares that:

18 “(1) The Nation owns valuable mineral re-
 19 sources that are located both onshore and in the
 20 Federal Outer Continental Shelf, and the Federal
 21 Government develops these resources for the benefit
 22 of the Nation, under certain restrictions designed to
 23 prevent environmental damage and other adverse
 24 impacts.

1 “(2) Nonetheless, the development of these min-
2 eral resources of the Nation is accompanied by un-
3 avoidable environmental impacts and public service
4 impacts in the States that host this development,
5 whether the development occurs onshore or on the
6 Federal Outer Continental Shelf.

7 “(3) The Federal Government has a respon-
8 sibility to the States affected by development of Fed-
9 eral mineral resources to mitigate adverse environ-
10 mental and public service impacts incurred due to
11 that development.

12 “(4) The Federal Government discharges its re-
13 sponsibility to States where onshore Federal mineral
14 development occurs by sharing 50 percent of the rev-
15 enue derived from the Federal mineral development
16 in that State pursuant to section 35 of the Mineral
17 Leasing Act.

18 “(5) Federal mineral development is occurring
19 as far as 200 miles offshore and occurs off the
20 coasts of only 6 States, yet section 8(g) of the Outer
21 Continental Shelf Lands Act does not adequately
22 compensate these States for the onshore impacts of
23 the offshore Federal mineral development.

1 “(6) Federal Outer Continental Shelf mineral
2 development is an important and secure source of
3 our Nation’s supply of oil and natural gas.

4 “(7) Further technological advancements in oil
5 and natural gas exploration and production need to
6 be pursued and encouraged.

7 “(8) These technological achievements have and
8 will continue to result in new Outer Continental
9 Shelf production having an unparalleled record of
10 excellence on environmental safety issues.

11 “(9) Additional technological advances with ap-
12 propriate incentives will further improve new re-
13 source recovery and therefore increase revenues to
14 the Treasury for the benefit of all Americans who
15 enjoy programs funded by Outer Continental Shelf
16 moneys.

17 “(10) The Outer Continental Shelf Advisory
18 Committee of the Department of the Interior, con-
19 sisting of representatives of coastal States, rec-
20 ommended in October 1997 that Federal mineral
21 revenue derived from the entire Outer Continental
22 Shelf be shared with all coastal States and terri-
23 tories to mitigate onshore impacts from Federal off-
24 shore mineral development and for other environ-
25 mental mitigation.

1 “(11) The Nation’s Federal mineral resources
2 are a nonrenewable capital asset of the Nation, with
3 the production and sale of this resource producing
4 revenue for the Nation, a portion of the revenue de-
5 rived from the production and sale of Federal min-
6 eral resources should be reinvested in the Nation
7 through environmental mitigation and public service
8 improvements.

9 “(12) Nothing in this title shall be interpreted
10 to repeal or modify any existing moratorium on leas-
11 ing Federal OCS leases for drilling nor shall any-
12 thing in this title be interpreted as an incentive to
13 encourage the development of Federal OCS re-
14 sources where such resources currently are not being
15 developed.

16 **“SEC. 702. DEFINITIONS.**

17 “For purposes of this Act:

18 “(1) The term ‘allocable share’ means, for a
19 coastal State, that portion of revenue that is avail-
20 able to be distributed to that coastal State under
21 this title. For an eligible political subdivision of a
22 coastal State, such term means that portion of reve-
23 nue that is available to be distributed to that politi-
24 cal subdivision under this title.

1 “(2) The term ‘coastal population’ means the
2 population of political subdivisions, as determined by
3 the most recent official data of the Census Bureau,
4 contained in whole or in part within the designated
5 coastal boundary of a State as defined in a State’s
6 coastal zone management program under the Coast-
7 al Zone Management Act (16 U.S.C. 1455).

8 “(3) The term ‘coastline’ has the same meaning
9 that it has in the Submerged Lands Act (43 U.S.C.
10 1301 et seq.).

11 “(4) The term ‘eligible political subdivision’
12 means a coastal political subdivision of a coastal
13 State which political subdivision has a seaward
14 boundary that lies within a distance of 200 miles
15 from the geographic center of any leased tract. The
16 Secretary shall annually provide a list of all eligible
17 political subdivisions of each coastal State to the
18 Governor of such State.

19 “(5) The term ‘political subdivision’ means the
20 local political jurisdiction immediately below the level
21 of State government, including counties, parishes,
22 and boroughs. If State law recognizes an entity of
23 general government that functions in lieu of, and is
24 not within, a county, parish, or borough, the Sec-
25 retary may recognize an area under the jurisdiction

1 of such other entities of general government as a po-
2 litical subdivision for purposes of this Act.

3 “(6) The term ‘coastal State’ means any State
4 of the United States bordering on the Atlantic
5 Ocean, the Pacific Ocean, the Arctic Ocean, the Ber-
6 ing Sea, the Gulf of Mexico, or any of the Great
7 Lakes, Puerto Rico, Guam, American Samoa, the
8 Virgin Islands, and the Commonwealth of the North-
9 ern Mariana Islands.

10 “(7) The term ‘distance’ means minimum great
11 circle distance, measured in statute miles.

12 “(8) The term ‘fiscal year’ means the Federal
13 Government’s accounting period which begins on Oc-
14 tober 1 and ends on September 30, and is des-
15 ignated by the calendar year in which it ends.

16 “(9) The term ‘Governor’ means the highest
17 elected official of a coastal State.

18 “(10) The term ‘leased tract’ means a tract,
19 leased under section 8 of the Outer Continental
20 Shelf Lands Act (43 U.S.C. 1337) for the purpose
21 of drilling for, developing and producing oil and nat-
22 ural gas resources, which is a unit consisting of ei-
23 ther a block, a portion of a block, a combination of
24 blocks and/or portions of blocks, as specified in the

1 lease, and as depicted on an Outer Continental Shelf
2 Official Protraction Diagram.

3 “(11) The term ‘revenues’ means all moneys re-
4 ceived by the United States as bonus bids, rents,
5 royalties (including payments for royalty taken in
6 kind and sold), net profit share payments, and relat-
7 ed late-payment interest from natural gas and oil
8 leases issued pursuant to the Outer Continental
9 Shelf Lands Act.

10 “(12) The term ‘Outer Continental Shelf’
11 means all submerged lands lying seaward and out-
12 side of the area of ‘lands beneath navigable waters’
13 as defined in section 2(a) of the Submerged Lands
14 Act (43 U.S.C. 1301(a)), and of which the subsoil
15 and seabed appertain to the United States and are
16 subject to its jurisdiction and control.

17 “(13) The term ‘Secretary’ means the Secretary
18 of the Interior or the Secretary’s designee.

19 **“SEC. 703. IMPACT ASSISTANCE FORMULA AND PAYMENTS.**

20 “(a) ESTABLISHMENT OF FUND.—(1) There is estab-
21 lished in the Treasury of the United States a fund which
22 shall be known as the ‘Outer Continental Shelf Impact As-
23 sistance Fund’ (referred to in this Act as the ‘Fund’). The
24 Secretary shall deposit in the Fund 27 percent of the reve-
25 nues from each leased tract or portion of a leased tract

1 lying seaward of the zone defined and governed by section
2 8(g) of the Outer Continental Shelf Lands Act (43 U.S.C.
3 1337(g)), or lying within such zone but to which section
4 8(g) does not apply, the geographic center of which lies
5 within a distance of 200 miles from any part of the coast-
6 line of any coastal State.

7 “(2) The Secretary of the Treasury shall invest mon-
8 eys in the Fund that are excess to expenditures at the
9 written request of the Secretary, in public debt securities
10 with maturities suitable to the needs of the Fund, as de-
11 termined by the Secretary, and bearing interest at rates
12 determined by the Secretary of the Treasury, taking into
13 consideration current market yields on outstanding mar-
14 ketable obligations of the United States of comparable ma-
15 turity.

16 “(b) PAYMENT TO STATES.—Notwithstanding sec-
17 tion 9 of the Outer Continental Shelf Lands Act (43
18 U.S.C. 1338), the Secretary shall, without further appro-
19 priation, make payments in each fiscal year to coastal
20 States and to eligible political subdivisions equal to the
21 amount deposited in the Fund for the prior fiscal year,
22 together with the portion of interest earned from invest-
23 ment of the funds which corresponds to that amount (re-
24 duced by any refunds paid under section 705(c)). Such

1 payments shall be allocated among the coastal States and
 2 eligible political subdivisions as provided in this section.

3 “(c) DETERMINATION OF STATES’ ALLOCABLE
 4 SHARES.—

5 “(1) ALLOCABLE SHARE FOR EACH STATE.—

6 For each coastal State, the Secretary shall deter-
 7 mine the State’s allocable share of the total amount
 8 of the revenues deposited in the Fund for each fiscal
 9 year using the following weighted formula:

10 “(A) 25 percent of the State’s allocable
 11 share shall be based on the ratio of such State’s
 12 shoreline miles to the shoreline miles of all
 13 coastal States.

14 “(B) 25 percent of the State’s allocable
 15 share shall be based on the ratio of such State’s
 16 coastal population to the coastal population of
 17 all coastal States.

18 “(C) 50 percent of the State’s allocable
 19 share shall be computed based upon Outer Con-
 20 tinental Shelf production. If any portion of a
 21 coastal State lies within a distance of 200 miles
 22 from the geographic center of any leased tract,
 23 such State shall receive 50 percent of its alloca-
 24 ble share based on the Outer Continental Shelf
 25 oil and gas production offshore of such State.

1 Such part of its allocable share shall be in-
2 versely proportional to the distance between the
3 nearest port on the coastline of such State and
4 the geographic center of each leased tract or
5 portion of the leased tract (to the nearest whole
6 mile), as determined by the Secretary.

7 “(2) MINIMUM STATE SHARE.—

8 “(A) IN GENERAL.—The allocable share of
9 revenues determined by the Secretary under
10 this subsection for each coastal State with an
11 approved coastal management program (as de-
12 fined by the Coastal Zone Management Act (16
13 U.S.C. 1451) or which is making satisfactory
14 progress toward one shall not be less than 0.50
15 percent of the total amount of the revenues de-
16 posited in the Fund for each fiscal year. For
17 any other coastal State the allocable share of
18 such revenues shall not be less than 0.25 per-
19 cent of such revenues.

20 “(B) RECOMPUTATION.—Where one or
21 more coastal States’ allocable shares, as com-
22 puted under paragraph (1), are increased by
23 any amount under this paragraph, the allocable
24 share for all other coastal States shall be re-
25 computed and reduced by the same amount so

1 that not more than 100 percent of the amount
 2 deposited in the fund is allocated to all coastal
 3 States. The reduction shall be divided pro rata
 4 among such other coastal States.

5 “(3) ADJUSTMENT FOR PRODUCING STATES.—

6 “(A) DEFINITIONS.—In this paragraph:

7 “(i) NONPRODUCING STATE.—The
 8 term ‘nonproducing State’ means a State
 9 other than a producing State.

10 “(ii) PRODUCING STATE.—The term
 11 ‘producing State’ means a State off the
 12 coast of which any leased tract or tract in
 13 State water produced oil, condensate, or
 14 natural gas during fiscal year 1998 that,
 15 during that fiscal year, was transported by
 16 pipeline to a processing facility in the
 17 State.

18 “(iii) TRACT IN STATE WATER.—The
 19 term ‘tract in State water’ means a tract
 20 on land beneath navigable water described
 21 in section 2(a)(2) of the Submerged Lands
 22 Act (43 U.S.C. 1301(a)(2)).

23 “(B) ADJUSTMENT.—For any fiscal year,
 24 if the application of paragraphs (1) and (2)
 25 would result in an allocable share for any non-

1 producing State that is greater than the alloca-
2 ble share for any producing State—

3 “(i) the amount of the allocable share
4 for each such producing State shall be in-
5 creased to the amount of the highest allo-
6 cable share for any such nonproducing
7 State; and

8 “(ii) the amount of the allocable
9 shares for States and other than States re-
10 ceiving increases under paragraph (2) shall
11 be reduced in the amount of the increase
12 under clause (i) in the proportion that the
13 allocable share for each such other State
14 after application of paragraphs (1) and (2)
15 bears to the total amount allocated to all
16 States under paragraphs (1) and (2).

17 “(d) PAYMENT TO STATES AND POLITICAL SUBDIVI-
18 SIONS.—Each coastal State’s allocable share shall be di-
19 vided between the State and political subdivisions in that
20 State as follows:

21 “(1) 40 percent of each State’s allocable share,
22 as determined under subsection (c), shall be paid to
23 the State;

24 “(2) 40 percent of each State’s allocable share,
25 as determined under subsection (c), shall be paid to

1 the eligible political subdivisions in such State, with
2 the funds to be allocated among the eligible political
3 subdivisions using the following weighted formula:

4 “(A) 50 percent of an eligible political sub-
5 division’s allocable share shall be based on the
6 ratio of that eligible political subdivision’s acre-
7 age within the State’s coastal zone, as defined
8 in an approval State coast management pro-
9 gram (as defined by the Coastal Zone Manage-
10 ment Act (16 U.S.C. 1451)), to the entire acre-
11 age within the coastal zone in such State: *Pro-*
12 *vided, however,* That if the State in which the
13 eligible political subdivision is located does not
14 have an approved coastal management program,
15 then the allocable share shall be based on the
16 ratio of that eligible political subdivision’s
17 shoreline miles to the total shoreline miles in
18 that coastal State.

19 “(B) 25 percent of an eligible political sub-
20 division’s allocable share shall be based on the
21 ratio of such eligible political subdivision’s
22 coastal population to the coastal population of
23 all eligible political subdivisions in that State.

24 “(C) 25 percent of an eligible political sub-
25 division’s allocable share shall be based on ra-

1 tios that are inversely proportional to the dis-
2 tance between the nearest point on the seaward
3 boundary of each such eligible political subdivi-
4 sion and the geographic center of each leased
5 tract or portion of the leased tract (to the near-
6 est whole mile), as determined by the Secretary.

7 “(3) 20 percent of each State’s allocable share,
8 as determined under subsection (c), shall be allo-
9 cated to political subdivisions in the coastal State
10 that do not qualify as eligible political subdivisions
11 but which are determined by the Governor or the
12 Secretary to have impacts from Outer Continental
13 Shelf related activities and which have an approved
14 plan under this subsection.

15 “(4) PROJECT SUBMISSION.—Prior to the re-
16 ceipt of funds pursuant to this subsection for any
17 fiscal year, a political subdivision must submit to the
18 Governor of the State in which it is located a plan
19 setting forth the projects and activities for which the
20 political subdivision proposes to expend such funds.
21 Such plan shall state the amounts proposed to be ex-
22 pended for each project or activity the upcoming fis-
23 cal year.

24 “(5) PROJECT APPROVAL.—(A) Prior to the
25 payment of funds pursuant to this subsection to any

1 political subdivision for any fiscal year, the Governor
2 must approve the plan submitted by the political
3 subdivision pursuant to this subsection and notify
4 the Secretary of such approval. State approval of
5 any such plan shall be consistent with all applicable
6 State and Federal law. In the event the Governor
7 disapproves any such plan, the funds that would oth-
8 erwise be paid to the political subdivision shall be
9 placed in escrow by the Secretary pending modifica-
10 tion and approval of such plan, at which time such
11 funds together with interest thereon shall be paid to
12 the political subdivision.

13 “(B) A political subdivision that fails to receive
14 approval from the Governor for a plan may appeal
15 to the Secretary and the Secretary may approve or
16 disapprove such plan based on the criteria set forth
17 in section 704: *Provided, however,* That the Sec-
18 retary shall have no authority to consider an appeal
19 of a political subdivision if the Governor of the State
20 has certified in writing to the Secretary that the
21 State has adopted a State program that by its ex-
22 press terms addresses the allocation of revenues to
23 political subdivisions.

24 “(e) TIME OF PAYMENT.—(1) Payments to coastal
25 States and political subdivisions under this section shall

1 be made not later than December 31 of each year from
 2 revenues received and interest earned thereon during the
 3 immediately preceding fiscal year. Payment shall not com-
 4 mence before the date 12 months following the date of
 5 enactment of this Act.

6 “(2) Any amount in the Fund not paid to coastal
 7 States and political subdivisions under this section in any
 8 fiscal year shall be disposed of according to the law other-
 9 wise applicable to revenues from leases on the Outer Con-
 10 tinental Shelf.

11 **“SEC. 704. USES OF FUNDS.**

12 “(a) AUTHORIZED USES OF FUNDS.—Funds received
 13 pursuant to this Act may be used by the coastal States
 14 and political subdivisions for—

15 “(1) air quality, water quality, fish and wildlife,
 16 wetlands, outdoor recreation programs, or other
 17 coastal resources, including shoreline protection and
 18 coastal restoration;

19 “(2) other activities of such State or political
 20 subdivision, contemplated by the Coastal Zone Man-
 21 agement Act of 1972 (16 U.S.C. 1451 et seq.), the
 22 provisions of subtitle B of title IV of the Oil Pollu-
 23 tion Act of 1990 (104 Stat. 523), or the Federal
 24 Water Pollution Control Act (33 U.S.C. 1251 et
 25 seq.);

1 “(3) planning assistance and administrative
2 costs of complying with the provisions of this sub-
3 title;

4 “(4) uses related to the Outer Continental Shelf
5 Lands Act;

6 “(5) mitigating impacts of Outer Continental
7 Shelf activities, including onshore infrastructure and
8 public service needs; and

9 “(6) deposit in a State or political subdivision
10 administered trust fund dedicated to uses consistent
11 with this section.

12 “(b) COMPLIANCE WITH APPLICABLE LAWS.—All
13 projects and activities paid for by the moneys received
14 from the Fund shall comply with the state Coastal Zone
15 Management Plan and all applicable Federal, State and
16 local environmental laws and regulations.

17 **“SEC. 705. STATE PLANS; CERTIFICATION; ANNUAL RE-**
18 **PORT; REFUNDS.**

19 “(a) STATE PLANS.—Within one year after the date
20 of enactment of this Act, the Governor of every State eligi-
21 ble to receive moneys from the Fund shall develop a State
22 plan for the use of such moneys and shall certify the plan
23 to the Secretary. The plan shall be developed with public
24 participation and shall include the plan for the use of such
25 funds by every political subdivision of the State eligible

1 to receive moneys from the Fund. The Governor shall cer-
 2 tify to the Secretary that the plan was developed with pub-
 3 lic participation and in accordance with all applicable
 4 State laws. The Governor shall amend the plan, as nec-
 5 essary, with public participation, but not less than every
 6 five years.

7 “(b) CERTIFICATION.—Not later than 60 days after
 8 the end of the fiscal year, any political subdivision receiv-
 9 ing moneys from the Fund must certify to the Governor—

10 “(1) the amount of such funds expended by the
 11 political subdivision during the previous fiscal year;

12 “(2) the amounts expended on each project or
 13 activity;

14 “(3) a general description of how the funds
 15 were expended; and

16 “(4) the status of each project or activity, in-
 17 cluding a certification that the project or activity is
 18 consistent with the State plan developed under para-
 19 graph (a).

20 “(c) REPORT.—On June 15 of each year, the Gov-
 21 ernor of each State receiving moneys from the Fund shall
 22 account for all moneys so received for the previous fiscal
 23 year in a written report to the Secretary and the Congress.
 24 This report shall include a description of all projects and

1 activities receiving funds under this Act, including all in-
 2 formation required under subsection (a).

3 “(d) REFUNDS.—In those instances where through
 4 judicial decision, administrative review, arbitration, or
 5 other means there are royalty refunds owed to entities
 6 generating revenues under this Act, 27 percent of such
 7 refunds shall be paid from amounts available in the
 8 Fund.”.

9 **TITLE II—LAND AND WATER** 10 **CONSERVATION FUND REFORM**

11 **SEC. 201. SHORT TITLE.**

12 This title may be cited as the “Land and Water Con-
 13 servation Fund Reform Act of 1998”.

14 **SEC. 202. FINDINGS AND PURPOSE.**

15 (a) FINDINGS.—The Congress finds the following:

16 (1) The Land and Water Conservation Fund
 17 Act of 1965 embodied a visionary concept—that a
 18 portion of the proceeds from Outer Continental
 19 Shelf mineral leasing revenues and the depletion of
 20 a nonrenewable natural resource should result in a
 21 legacy of public places accessible for public recre-
 22 ation and benefit from resources belonging to all
 23 people, of all generations, and the enhancement of
 24 the most precious and most renewable natural re-
 25 source of any nation, healthy and active citizens.

1 (2) The State and local governments were to
2 occupy a pivotal role in accomplishing the purposes
3 of the Land and Water Conservation Fund Act of
4 1965 and the Act originally provided an equitable
5 portion of funds to the States, and through them, to
6 local governments.

7 (3) However, because of competition for limited
8 Federal moneys and the need for an annual appro-
9 priation, this original intention has been abandoned
10 and, in recent years, the States have not received an
11 equitable proportion of funds.

12 (4) Nonetheless, with population growth and
13 urban sprawl, the demand for recreation and con-
14 servation areas, at the State and local level, includ-
15 ing urban localities, remains a high priority for our
16 citizens.

17 (5) In addition to the demand at the State and
18 local level, there has been an increasing unmet need
19 for Federal moneys to be made available for Federal
20 purposes, with lands identified as important for Fed-
21 eral acquisition not being acquired for several years
22 due to insufficient funds.

23 (6) A new vision is called for—a vision that en-
24 compasses a multilevel national network of parks,
25 recreation and conservation areas that reaches

1 across the country to touch all communities. Na-
 2 tional parks are not enough; the federal government
 3 alone cannot accomplish this. A national vision,
 4 backed by realistic national funding support, to
 5 stimulate State, local and private sector, as well as
 6 Federal efforts, is the only way to effectively address
 7 our ongoing outdoor recreation and conservation
 8 needs.

9 (b) PURPOSE.—The purpose of this title is to provide
 10 a secure source of funds available for Federal purposes
 11 authorized by the Land and Water Conservation Fund Act
 12 of 1965 and to revitalize and complement State, local and
 13 private commitments envisioned in the Land and Water
 14 Conservation Fund Act of 1965 and the Urban Park and
 15 Recreation Recovery Act of 1978 by providing grants for
 16 State, local and urban recreation and conservation needs.

17 **SEC. 203. LAND AND WATER CONSERVATION FUND AMEND-**
 18 **MENTS.**

19 (a) REVENUES.—Section 2(c) of the Land and Water
 20 Conservation Fund Act of 1965 (16 U.S.C. 460l–5(c)(1))
 21 is amended as follows:

22 (1) By inserting “(A)” after “(c)(1)”.

23 (2) By striking “there are authorized” and all
 24 that follows and inserting “from 16 percent of the
 25 revenues, as that term is defined in the Conservation

1 and Reinvestment Act of 1999, shall be deposited in
 2 the Land and Water Conservation Fund in the
 3 Treasury and shall be available, without further ap-
 4 propriation, to carry out this Act for each fiscal year
 5 thereafter through September 30, 2015.”.

6 (3) By adding at the end the following new sub-
 7 paragraph:

8 “(B) In those instances where through ju-
 9 dicial decision, administrative review, arbitra-
 10 tion, or other means there are royalty refunds
 11 owed to entities generating revenues available
 12 for purposes of this Act, 16 percent of such re-
 13 funds shall be paid from amounts available
 14 under this subsection.”.

15 (b) AUTHORIZATION.—Section 2(c)(2) of the Land
 16 and Water Conservation Fund Act of 1965 (16 U.S.C.
 17 460l–5(c)(2)) is amended by striking “equivalent amounts
 18 provided in clause (1)” and inserting “\$900,000,000”.

19 (c) APPROPRIATION.—Section 3 of the Land and
 20 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
 21 6) is amended by striking “Moneys” and inserting “Ex-
 22 cept as provided under section 460l–5(c)(1), moneys”.

23 (d) ALLOCATION OF FUNDS.—Section 5 of the Land
 24 and Water Conservation Fund Act of 1965 (16 U.S.C.
 25 460l–7) is amended as follows:

1 (1) by inserting “(a)” at the beginning;

2 (2) by striking “Those appropriations from the
3 fund” and all that follows; and

4 (3) by adding at the end the following new sub-
5 section:

6 “(b) Moneys credited to the fund under section
7 2(c)(1) of this Act (16 U.S.C. 460l–5(c)(1)) for obligation
8 or expenditure may be obligated or expended only as fol-
9 lows:

10 “(1) 45 percent shall be available for Federal
11 purposes. Notwithstanding section 7 of this Act (16
12 U.S.C. 460l–9), 25 percent of such moneys shall be
13 made available to the Secretary of Agriculture for
14 the acquisition of lands, waters, or interests in land
15 or water within the exterior boundaries of areas of
16 the National Forest System or any other land man-
17 agement unit established by an Act of Congress and
18 managed by the Secretary of Agriculture and 75
19 percent of such moneys shall be available to the Sec-
20 retary of the Interior for the acquisition of lands,
21 waters, or interests in land or water within the exte-
22 rior boundaries of areas of the National Park Sys-
23 tem, National Wildlife Refuge System, or other land
24 management unit established by an Act of Congress:
25 *Provided, That at least two-thirds of the moneys*

1 available under this paragraph for Federal purposes
2 shall be spent east the 100th meridian: *Provided fur-*
3 *ther*, That no moneys available under this paragraph
4 for Federal purposes shall be used for condemnation
5 of any interest of property.

6 “(2) 45 percent shall be available for financial
7 assistance to the States under section 6 of this Act
8 (16 U.S.C. 460l–8) distributed according to the fol-
9 lowing allocation formula:

10 “(A) 60 percent shall be apportioned
11 equally among the several States.

12 “(B) 20 percent shall be apportioned on
13 the basis of the ration which the population of
14 each State bears to the total population of the
15 United States.

16 “(C) 20 percent shall be apportioned on
17 the basis of the urban population in each State
18 (as defined by Metropolitan Statistical Areas).

19 “(3) 10 percent shall be available to local gov-
20 ernments through the Urban Parks and Recreation
21 Recovery Program (16 U.S.C. 2501–2514) of the
22 Department of the Interior.

23 An amount, not to exceed 2 percent, of the total of such
24 moneys covered to the fund under section 2(c)(1) of this
25 Act (16 U.S.C. 460l–5(c)(1)) in each fiscal year as the

1 Secretary of the Interior may estimate to be necessary for
 2 expenses in the administration and execution of this sub-
 3 section shall be deducted for that purpose, and such
 4 amount is authorized to be made available therefor until
 5 the expiration of the next succeeding fiscal year. Within
 6 60 days after the close of such fiscal year, the Secretary
 7 shall apportion any portion thereof as remains unex-
 8 pended, if any, on the same basis and in the same manner
 9 as is provided under paragraphs (1), (2) and (3).”.

10 (e) REHABILITATION.—Subsection 6(a) of the Land
 11 and Water Conservation Fund Act of 1965 (16 U.S.C.
 12 460l–8(a)) is amended by deleting “(3) development.” and
 13 inserting in lieu thereof “(3) development, including the
 14 facility rehabilitation.”

15 (f) TRIBES AND ALASKA NATIVE VILLAGE CORPORA-
 16 TIONS.—Subsection 6(b)(5) of the Land and Water Con-
 17 servation Fund Act of 1965 (16 U.S.C. 460l–8(b)(5)) is
 18 amended as follows:

19 (1) By inserting “(A)” after “(5)”.

20 (2) By adding at the end the following new sub-
 21 paragraph:

22 “(B) For the purposes of paragraph (1), all
 23 federally recognized Indian tribes and Alaska Native
 24 Village Corporations (as defined in section 3(j) of
 25 the Alaska Native Claims Settlement Act (43 U.S.C.

1 1602(j)) shall be treated collectively as 1 State, and
2 shall receive shares of the apportionment under
3 paragraph (1) in accordance with a competitive
4 grant program established by the Secretary by rule.
5 Such rule shall ensure that in each fiscal year no
6 single tribe or Village Corporation receives more
7 than 10 percent of the total amount made available
8 to all tribes and Village Corporations pursuant to
9 the apportionment under paragraph (1). Funds re-
10 ceived by an Indian tribe or Village Corporation
11 under this subparagraph may be expended only for
12 the purposes specified in paragraphs (1) and (3) of
13 subsection (b).”.

14 (g) LOCAL ALLOCATION.—Subsection 6(b) of the
15 Land and Water Conservation Fund Act of 1965 (16
16 U.S.C. 4601–8(b)(5)) is amended by adding at the end the
17 following new paragraph:

18 “(6) Absent some compelling and annually doc-
19 umented reason to the contrary acceptable to the
20 Secretary, each State (other than an area treated as
21 a State under paragraph (5)) shall make available as
22 grants to local governments at least 50 percent of
23 the annual State apportionment, or an equivalent
24 amount made available from other sources.”.

1 (h) MATCH.—Subsection 6(c) of the Land and Water
 2 Conservation Fund Act of 1965 (16 U.S.C. 460l–8(c)) is
 3 amended to read as follows:

4 “(c) MATCHING REQUIREMENTS.—Payments to any
 5 State shall cover not more than 50 percent of the cost
 6 of outdoor recreation and conservation planning, acquisi-
 7 tion or development projects that are undertaken by the
 8 State.”.

9 (i) STATE ACTION AGENDA.—Subsection 6(d) of the
 10 Land and Water Conservation Fund Act of 1965 (16
 11 U.S.C. 460l–8(d)) is amended to read as follows:

12 “(d) STATE ACTION AGENDA REQUIRED.—Each
 13 State may define its own priorities and criteria for selec-
 14 tion of outdoor recreation and conservation acquisition
 15 and development projects eligible for grants under this Act
 16 so long as it provides for public involvement in this process
 17 and publishes an accurate and current State Action Agen-
 18 da for Community Recreation and Conservation indicating
 19 the needs it has identified and the priorities and criteria
 20 it has established. In order to assess its needs and estab-
 21 lish its overall priorities, each State, in partnership with
 22 its local governments and Federal agencies, and in con-
 23 sultation with its citizens, shall develop a State Action
 24 Agenda for Community Recreation and Conservation,

1 within five years of enactment, that meets the following
2 requirements:

3 “(1) The agenda must be strategic, originating
4 in broad-based and long-term needs, but focused on
5 actions that can be funded over the next 4 years.

6 “(2) The agenda must be updated at least once
7 every 4 years and certified by the Governor that the
8 State Action Agenda for Community Recreation and
9 Conservation conclusions and proposed actions have
10 been considered in an active public involvement proc-
11 ess.

12 State Action Agendas for Community Recreation and Con-
13 servation shall take into account all providers of recreation
14 and conservation lands with each State, including Federal,
15 regional, and local government resources and shall be cor-
16 related whenever possible with other State, regional, and
17 local plans for parks, recreation, open space, and wetlands
18 conservation.

19 “Each State Action Agenda for Community Recre-
20 ation and Conservation shall specifically address wetlands
21 within that State as important outdoor recreation and con-
22 servation resources. Each State Action Agenda for Com-
23 munity Recreation and Conservation shall incorporate a
24 wetlands priority plan developed in consultation with the
25 State agency with responsibility for fish and wildlife re-

1 sources which is consistent with that national wetlands
2 priority conservation plan developed under section 301 of
3 the Emergency Wetlands Resources Act.

4 “Recovery action programs developed by urban local-
5 ities under section 1007 of the Urban Park and Recre-
6 ation Recovery Act of 1978 shall be used by a State as
7 one guide to the conclusions, priorities and action sched-
8 ules contained in the State Action Agenda for Community
9 Recreation and Conservation. Each State shall assure that
10 any requirements for local outdoor recreation and con-
11 servation planning that are promulgated as conditions for
12 grants minimize redundancy of local efforts by allowing,
13 wherever possible, use of the findings, priorities, and im-
14 plementation schedules of recovery action programs to
15 meet such requirements.”.

16 (j) Comprehensive State Plans developed by any
17 State under section 6(d) of the Land and Water Conserva-
18 tion Fund Act of 1965 (16 U.S.C. 460l–8(d)) before the
19 enactment of this Act shall remain in effect in that State
20 until or State Action Agenda for Community Recreation
21 and Conservation has been adopted pursuant to the
22 amendment made by this subsection, but no later than 5
23 years after the enactment of this Act.

1 (k) STATE PLANS.—Subsection 6(e) of the Land and
2 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
3 8(e)) is amended—

4 (1) by striking “State comprehensive plan” at
5 the end of the first paragraph and inserting “State
6 Action Agenda for Community Recreation and Con-
7 servation”;

8 (2) by striking “State comprehensive plan” in
9 paragraph (1) and inserting “State Action Agenda
10 for Community Recreation and Conservation”; and

11 (3) by striking “but not including incidental
12 costs related to acquisition” at the end of paragraph
13 (1).

14 (l) CONVERSION.—Paragraph 6(f)(3) of the Land
15 and Water Conservation Fund Act of 1965 (16 U.S.C.
16 460l–8(f)(3)) is amended by striking the second sentence
17 and inserting: “With the exception of those properties that
18 are no longer viable as an outdoor recreation and con-
19 servation facility due to changes in demographics or must
20 be abandoned because of environmental contamination
21 which endanger public health and safety, the Secretary
22 shall approve such conversion only if the State dem-
23 onstrates no prudent or feasible alternative exists. Any
24 conversion must satisfy any conditions the Secretary
25 deems necessary to assure the substitution of other recre-

1 ation and conservation properties of at least equal fair
 2 market value, or reasonably equivalent usefulness and lo-
 3 cation and which are in accord with the existing State Ac-
 4 tion Agenda for Community Recreation and Conservation:
 5 *Provided*, That wetland areas and interests therein as
 6 identified in the wetlands provisions of the action agenda
 7 and proposed to be acquired as suitable replacement prop-
 8 erty within that same State that is otherwise acceptable
 9 to the Secretary shall be considered to be of reasonably
 10 equivalent usefulness with the property proposed for con-
 11 version.”.

12 (m) COST LIMITATIONS.—Section 7 of the Land and
 13 Water Conservation Fund Act of 1965 (16 U.S.C. 460l–
 14 9) is amended by adding the following at the end thereof:

15 “(D) MAXIMUM FEDERAL COST PER PROJECT.—No
 16 expenditure shall be made to acquire any Federal land the
 17 cost of which exceeds \$5,000,000 unless the funds for
 18 such acquisition have been specifically allocated to the ac-
 19 quisition in the report accompanying the legislation appro-
 20 priating funds for the Federal agency concerned and such
 21 allocation has been approved by resolution adopted by the
 22 Committee on Resources of the United States House of
 23 Representatives and the Committee on Energy and Natu-
 24 ral Resources of the United States Senate.”.

1 **SEC. 204. URBAN PARK AND RECREATION RECOVERY ACT**
2 **OF 1978 AMENDMENTS.**

3 (a) GRANTS.—Section 1004 of the Urban Park and
4 Recreation Recovery Act (16 U.S.C. 2503) is amended by
5 redesignating subsections (d), (e), and (f) as subsections
6 (f), (g), and (h) respectively, and by inserting the following
7 after subsection (c):

8 “(d) ‘development grants’ means matching capital
9 grants to local units of government to cover costs of devel-
10 opment and construction on existing or new neighborhood
11 recreation sites, including indoor and outdoor recreation
12 facilities, support facilities, and landscaping, but excluding
13 routine maintenance and upkeep activities;

14 “(e) ‘acquisition grants’ means matching capital
15 grants to local units of government to cover the direct and
16 incidental costs of purchasing new parkland to be perma-
17 nently dedicated and made accessible for public recreation
18 use;”

19 (b) ELIGIBILITY.—Subsection 1005(a) of the Urban
20 Park and Recreation Recovery Act (16 U.S.C. 2504) is
21 amended to read as follows:

22 “(a) Eligibility of general purpose local governments
23 to compete for assistance under this title shall be based
24 upon need as determined by the Secretary. Generally, the
25 list of eligible governments shall include the following:

1 “(1) All central cities of Metropolitan, Primary
2 or Consolidated Statistical Areas as currently de-
3 fined by the census.

4 “(2) All political subdivisions included in Metro-
5 politan, Primary or Consolidated Statistical Areas as
6 currently defined by the census.

7 “(3) Any other city or town within a Metropoli-
8 tan Area with a total population of 50,000 or more
9 in the census of 1970, 1980 or 1990.

10 “(4) Any other county, parish or township with
11 a total population of 250,000 or more in the census
12 of 1970, 1980 or 1990.”.

13 (c) MATCHING GRANTS.—Subsection 1006(a) of the
14 Urban Park and Recreation Recovery Act (16 U.S.C.
15 2505(a)) is amended by striking all through paragraph (3)
16 and inserting the following:

17 “SEC. 1006. (a) The Secretary is authorized to pro-
18 vide 70 percent matching grants for rehabilitation, innova-
19 tion, development or acquisition purposes of eligible gen-
20 eral purpose local governments upon his approval of appli-
21 cations therefor by the chief executives of such govern-
22 ments.

23 “(1) At the discretion of such applicants, and
24 if consistent with an approved application, rehabili-
25 tation, innovation, development or acquisition grants

1 may be transferred in whole or in part to independ-
2 ent special purpose local governments, private non-
3 profit agencies or county or regional park authori-
4 ties; except that, such grantees shall provide assur-
5 ance to the Secretary that they will maintain public
6 recreation opportunities as assisted areas and facili-
7 ties owned or managed by them in accordance with
8 section 1010 of this Act.

9 “(2) Payments may be made only for those re-
10 habilitation, innovation, development, or acquisition
11 projects which have been approved by the Secretary.
12 Such payments may be made from time to time in
13 keeping with the rate of progress toward completion
14 of a project, on a reimbursable basis.”.

15 (d) COORDINATION.—Section 1008 of the Urban
16 Park and Recreation Recovery Act (16 U.S.C. 2507) is
17 amended by striking the last sentence and inserting the
18 following: “The Secretary and general purpose local gov-
19 ernments are encouraged to coordinate preparation of re-
20 covery action programs required by this title with State
21 Action Agendas for Community Recreation and Conserva-
22 tion required by section 6 of the Land and Water Con-
23 servation Fund Act of 1965, including the allowance of
24 flexibility in local preparation of recovery action programs
25 so that they may be used to meet State or local qualifica-

1 tions for local receipt of Land and Water Conservation
2 Fund grants or State grants for similar purposes or for
3 other recreation or conservation purposes. The Secretary
4 shall also encourage States to consider the findings, prior-
5 ities, strategies and schedules included in the recovery ac-
6 tion programs of their urban localities in preparation and
7 updating of the State Action Agendas for Community
8 Recreation and Conservation, in accordance with the pub-
9 lic coordination and citizen consultation requirements of
10 subsection 6(d) of the Land and Water Conservation Fund
11 Act of 1965.”.

12 (e) CONVERSION.—Section 1010 of the Urban Park
13 and Recreation Recovery Act (16 U.S.C. 2509) is amend-
14 ed by striking the first sentence and inserting the follow-
15 ing: “No property acquired or improved or developed
16 under this title shall, without the approval of the Sec-
17 retary, be converted to other than public recreation uses.
18 The Secretary shall approve such conversion only if the
19 grantee demonstrates no prudent or feasible alternative
20 exists (with the exception of those properties that are no
21 longer a viable recreation facility due to changes in demo-
22 graphics or must be abandoned because of environmental
23 contamination which endanger public health and safety).
24 Any conversion must satisfy any conditions the Secretary
25 deems necessary to assure the substitution of other recre-

1 ation properties of at least equal fair market value, or rea-
 2 sonably equivalent usefulness and location and which are
 3 in accord with the current recreation recovery action pro-
 4 gram.”.

5 (f) REPEAL.—Section 1014 of the Urban Park and
 6 Recreation Recovery Act (16 U.S.C. 2513) is repealed.

7 **TITLE III—WILDLIFE CONSERVA-** 8 **TION AND RESTORATION**

9 **SEC. 301. SHORT TITLE.**

10 This title may be cited as the “Wildlife Conservation
 11 and Restoration Act of 1998”.

12 **SEC. 302. FINDINGS.**

13 The Congress finds and declares that—

14 (1) a diverse array of species of fish and wild-
 15 life is of significant value to the Nation for many
 16 reasons: aesthetic, ecological, educational, cultural,
 17 recreational, economic, and scientific;

18 (2) it should be the objective of the United
 19 States to retain for present and future generations
 20 the opportunity to observe, understand, and appre-
 21 ciate a wild variety of wildlife;

22 (3) millions of citizens participate in outdoor
 23 recreation through hunting, fishing, and wildlife ob-
 24 servation, all of which have significant value to the
 25 citizens who engage in these activities;

1 (4) providing sufficient and properly maintained
2 wildlife associated recreational opportunities is im-
3 portant to enhancing public appreciation of a diver-
4 sity of wildlife and the habitats upon which they de-
5 pend;

6 (5) lands and waters which contain species clas-
7 sified neither as game nor identified as endangered
8 or threatened also can provide opportunities for
9 wildlife associated recreation and education such as
10 hunting and fishing permitted by applicable State or
11 Federal law;

12 (6) hunters and anglers have for more than 60
13 years willingly paid user fees in the form of Federal
14 excise taxes on hunting and fishing equipment to
15 support wildlife diversity and abundance, through
16 enactment of the Federal Aid in Wildlife Restoration
17 Act (commonly referred to as the Pittman-Robertson
18 Act) and the Federal Aid in Sport Fish Restoration
19 Act (commonly referred to as the Dingell-Johnson/
20 Wallop-Breaux Act);

21 (7) State programs, adequately funded to con-
22 serve a broader array of wildlife in an individual
23 State and conducted in coordination with Federal,
24 State, tribal, and private landowners and interested
25 organizations, would continue to serve as a vital link

1 in a nationwide effort to restore game and nongame
2 wildlife, and the essential elements of such programs
3 should include conservation measures which manage
4 for a diverse variety of populations of wildlife; and

5 (8) it is proper for Congress to bolster and ex-
6 tend this highly successful program to aid game and
7 nongame wildlife in supporting the health and diver-
8 sity of habitat, as well as providing funds for con-
9 servation education.

10 **SEC. 303. PURPOSES.**

11 The purposes of this title are—

12 (1) to extend financial and technical assistance
13 to the States under the Federal Aid to Wildlife Res-
14 toration Act for the benefit of a diverse array of
15 wildlife and associated habitats, including species
16 that are not hunted or fished, to fulfill unmet needs
17 of wildlife within the States while recognizing the
18 mandate of the States to conserve all wildlife;

19 (2) to assure sound conservation policies
20 through the development, revision and implementa-
21 tion of wildlife associated recreation and wildlife as-
22 sociated education and wildlife conservation law en-
23 forcement;

24 (3) to encourage State fish and wildlife agencies
25 to create partnerships between the Federal Govern-

1 ment, other State agencies, wildlife conservation or-
 2 ganizations, and outdoor recreation and conservation
 3 interests through cooperative planning and imple-
 4 mentation of this title; and

5 (4) to encourage State fish and wildlife agencies
 6 to provide for public involvement in the process of
 7 development and implementation of a wildlife con-
 8 servation and restoration program.

9 **SEC. 304. DEFINITIONS.**

10 (a) REFERENCE TO LAW.—In this title, the term
 11 “Federal Aid in Wildlife Restoration Act” means the Act
 12 of September 2, 1937 (16 U.S.C. 669 et seq.), commonly
 13 referred to as the Federal Aid in Wildlife Restoration Act
 14 or the Pittman-Robertson Act.

15 (b) WILDLIFE CONSERVATION AND RESTORATION
 16 PROGRAM.—Section 2 of the Federal Aid in Wildlife Res-
 17 toration Act (16 U.S.C. 669a) is amended by inserting
 18 after “shall be construed” in the first place it appears the
 19 following: “to include the wildlife conservation and res-
 20 toration program and”.

21 (c) STATE AGENCIES.—Section 2 of the Federal Aid
 22 in Wildlife Restoration Act (16 U.S.C. 669a) is amended
 23 by inserting “or State fish and wildlife department” after
 24 “State fish and game department”.

1 (d) CONSERVATION.—Section 2 is amended by strik-
2 ing the period at the end thereof, substituting a semicolon,
3 and adding the following: “the term ‘conservation’ shall
4 be construed to mean the use of methods and procedures
5 necessary or desirable to sustain healthy populations of
6 wildlife including all activities associated with scientific re-
7 sources management such as research, census, monitoring
8 of populations, acquisition, improvement and management
9 of habitat, live trapping and transplantation, wildlife dam-
10 age management, and periodic or total protection of a spe-
11 cies or population as well as the taking of individuals with-
12 in wildlife stock or population if permitted by applicable
13 State and Federal law; the term ‘wildlife conservation and
14 restoration program’ shall be construed to mean a pro-
15 gram developed by a State fish and wildlife department
16 that the Secretary determines meets the criteria in section
17 6(d), the projects that constitute such a program, which
18 may be implemented in whole or part through grants and
19 contracts by a State to other State, Federal, or local agen-
20 cies wildlife conservation organizations and outdoor recre-
21 ation and conservation education entities from funds ap-
22 portioned under this title, and maintenance of such
23 projects; the term ‘wildlife’ shall be construed to mean any
24 species of wild, free-ranging fauna including fish, and also
25 fauna in captive breeding programs the object of which

1 is to reintroduce individuals of a depleted indigenous spe-
 2 cies into previously occupied range; the term ‘wildlife-asso-
 3 ciated recreation’ shall be construed to mean projects in-
 4 tended to meet the demand for outdoor activities associ-
 5 ated with wildlife including, but not limited to, hunting
 6 and fishing, such projects as construction or restoration
 7 of wildlife viewing areas, observation towers, blinds, plat-
 8 forms, land and water trails, water access, trailheads, and
 9 access for such projects; and the term ‘wildlife conserva-
 10 tion education’ shall be construed to mean projects, in-
 11 cluding public outreach, intended to foster responsible nat-
 12 ural resource stewardship.”.

13 (e) 7 PERCENT.—Subsection 3(a) of the Federal Aid
 14 in Wildlife Restoration Act (16 U.S.C. 669b(a)) is amend-
 15 ed in the first sentence by—

16 (1) inserting “(1)” after “(beginning with the
 17 fiscal year 1975)”; and

18 (2) inserting after “Internal Revenue Code of
 19 1954” the following: “, and (2) from 7 percent of
 20 the revenues, as that term is defined in the Con-
 21 servation and Reinvestment Act of 1999,”.

22 **SEC. 305. SUBACCOUNTS AND REFUNDS.**

23 Section 3 of the Federal Aid in Wildlife Restoration
 24 Act (16 U.S.C. 669b) is amended by adding at the end
 25 the following new subsections:

1 “(c) A subaccount shall be established in the Federal
2 aid to wildlife restoration fund in the Treasury to be
3 known as the ‘wildlife conservation and restoration ac-
4 count’ and the credits to such account shall be equal to
5 the 7 percent of revenues referred to in subsection (a)(2).
6 Amounts in such account shall be invested by the Sec-
7 retary of the Treasury as set forth in subsection (b) and
8 shall be made available without further appropriation, to-
9 gether with interest, for apportionment at the beginning
10 of fiscal year 2000 and each fiscal year thereafter to carry
11 out State wildlife conservation and restoration programs.

12 “(d) Funds covered into the wildlife conservation and
13 restoration account shall supplement, but not replace, ex-
14 isting funds available to the States from the sport fish
15 restoration and wildlife restoration accounts and shall be
16 used for the development, revision, and implementation of
17 wildlife conservation and restoration programs and should
18 be used to address the unmet needs for a diverse array
19 of wildlife and associated habitats, including species that
20 are not hunted or fished, for wildlife conservation, wildlife
21 conservation education, and wildlife-associated recreation
22 projects: *Provided*, Such funds may be used for new pro-
23 grams and projects as well as to enhance existing pro-
24 grams and projects.

1 “(e) Notwithstanding subsections (a) and (b) of this
 2 Act, with respect to the wildlife conservation and restora-
 3 tion account so much of the appropriation apportioned to
 4 any State for any fiscal year as remains unexpended at
 5 the close thereof is authorized to be made available for
 6 expenditure in that State until the close of the fourth suc-
 7 ceeding fiscal year. Any amount apportioned to any State
 8 under this subsection that is unexpended or unobligated
 9 at the end of the period during which it is available for
 10 expenditure on any project is authorized to be reappor-
 11 tioned to all States during the succeeding fiscal year.

12 “(f) In those instances where through judicial deci-
 13 sion, administrative review, arbitration, or other means
 14 there are royalty refunds owed to entities generating reve-
 15 nues available for purposes of this Act, 7 percent of such
 16 refunds shall be paid from amounts available under sub-
 17 section (a)(2).”.

18 **SEC. 306. ALLOCATION OF SUBACCOUNT RECEIPTS.**

19 Section 4 of the Federal Aid in Wildlife Restoration
 20 Act (16 U.S.C. 669c) is amended by adding the following
 21 new subsection:

22 “(c)(1) Notwithstanding subsection (a), an amount,
 23 not to exceed 2 percent, of the revenues covered into the
 24 wildlife conservation and restoration account in each fiscal
 25 year as the Secretary of the Interior may estimate to be

1 necessary for expenses in the administration and execution
2 of programs carried out under the wildlife conservation
3 and restoration account shall be deducted for that pur-
4 pose, and such amount is authorized to be made available
5 therefor until the expiration of the next succeeding fiscal
6 year. Within 60 days after the close of such fiscal year,
7 the Secretary of the Interior shall apportion any portion
8 thereof as remains unexpended, if any, on the same basis
9 and in the same manner as is provided under paragraphs
10 (2) and (3).

11 “(2) The Secretary of the Interior, after making the
12 deduction under paragraph (1), shall make the following
13 apportionment from the amount remaining in the wildlife
14 conservation and restoration account:

15 “(A) to the District of Columbia and to the
16 Commonwealth of Puerto Rico, each a sum equal to
17 not more than $\frac{1}{2}$ of 1 percent thereof; and

18 “(B) to Guam, American Samoa, the Virgin Is-
19 lands, and the Commonwealth of the Northern Mari-
20 ana Islands, each a sum equal to not more than $\frac{1}{6}$
21 of 1 percent thereof.

22 “(3) The Secretary of the Interior, after making the
23 deduction under paragraph (1) and the apportionment
24 under paragraph (2), shall apportion the remaining
25 amount in the wildlife conservation and restoration ac-

1 count for each year among the States in the following
 2 manner:

3 “(A) $\frac{1}{3}$ of which is based on the ratio to which
 4 the land area of such State bears to the total land
 5 area of all such States; and

6 “(B) $\frac{2}{3}$ of which is based on the ratio to which
 7 the population of such State bears to the total popu-
 8 lation of all such States.

9 The amounts apportioned under this paragraph shall be
 10 adjusted equitably so that no such State shall be appor-
 11 tioned a sum which is less than $\frac{1}{2}$ of 1 percent of the
 12 amount available for apportionment under this paragraph
 13 for any fiscal year or more than 5 percent of such amount.

14 “(d) WILDLIFE CONSERVATION AND RESTORATION
 15 PROGRAMS.—Any State, through its fish and wildlife de-
 16 partment, may apply to the Secretary for approval of a
 17 wildlife conservation and restoration program or for funds
 18 to develop a program, which shall—

19 “(1) contain provision for vesting in the fish
 20 and wildlife department of overall responsibility and
 21 accountability for development and implementation
 22 of the program; and

23 “(2) contain provision for development and im-
 24 plementation of—

1 “(A) wildlife conservation projects which
2 expand and support existing wildlife programs
3 to meet the needs of a diverse array of wildlife
4 species,

5 “(B) wildlife associated recreation pro-
6 grams, and

7 “(C) wildlife conservation education
8 projects.

9 If the Secretary of the Interior finds that an application
10 for such program contains the elements specified in para-
11 graphs (1) and (2), the Secretary shall approve such appli-
12 cation and set aside from the apportionment to the State
13 made pursuant to section 4(c) an amount that shall not
14 exceed 90 percent of the estimated cost of developing and
15 implementing segments of the program for the first 5 fis-
16 cal years following enactment of this subsection and not
17 to exceed 75 percent thereafter. Not more than 10 percent
18 of the amounts apportioned to each State from this sub-
19 account for the State’s wildlife conservation and restora-
20 tion program may be used for law enforcement. Following
21 approval, the Secretary may make payments on a project
22 that is a segment of the State’s wildlife conservation and
23 restoration program as the project progresses but such
24 payments, including previous payments on the project, if
25 any, shall not be more than the United States pro rata

1 share of such project. The Secretary, under such regula-
2 tions as he may prescribe, may advance funds representing
3 the United States pro rata share of a project that is a
4 segment of a wildlife conservation and restoration pro-
5 gram, including funds to develop such program. For pur-
6 poses of this subsection, the term ‘State’ shall include the
7 District of Columbia, the Commonwealth of Puerto Rico,
8 the United States Virgin Islands, Guam, American Samoa,
9 and the Commonwealth of the Northern Mariana Is-
10 lands.’’.

11 (b) FACA.—Coordination with State fish and wildlife
12 department personnel or with personnel of other State
13 agencies pursuant to the Federal Aid in Wildlife Restora-
14 tion Act or the Federal Aid in Sport Fish Restoration Act
15 shall not be subject to the Federal Advisory Committee
16 Act (5 U.S.C. App.). Except for the preceding sentence,
17 the provisions of this title relate solely to wildlife conserva-
18 tion and restoration programs as defined in this title and
19 shall not be construed to affect the provisions of the Fed-
20 eral Aid in Wildlife Restoration Act relating to wildlife res-
21 toration projects or the provisions of the Federal Aid in
22 Sport Fish Restoration Act relating to fish restoration and
23 management projects.

1 **SEC. 307. LAW ENFORCEMENT AND PUBLIC RELATIONS.**

2 The third sentence of subsection (a) of section 8 of
3 the Federal Aid in Wildlife Restoration Act (16 U.S.C.
4 669g) is amended by inserting before the period at the
5 end thereof: “, except that funds available from this sub-
6 account for a State wildlife conservation and restoration
7 program may be used for law enforcement and public rela-
8 tions”.

9 **SEC. 308. PROHIBITION AGAINST DIVERSION.**

10 No designated State agency shall be eligible to receive
11 matching funds under this Act if sources of revenue avail-
12 able to it on January 1, 1998, for conservation of wildlife
13 are diverted for any purpose other than the administration
14 of the designated State agency, it being the intention of
15 Congress that funds available to States under this Act be
16 added to revenues from existing State sources and not
17 serve as a substitute for revenues from such sources. Such
18 revenues shall include interest, dividends, or other income
19 earned on the foregoing.

○